

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §

§

No. 4:17CR191

v. §

Judge Crone

§

NELIA ANGELINA MULEMBWE §

FILED: 2/20/18

U.S. DISTRICT COURT
EASTERN DISTRICT COURT
DAVID A. O'TOOLE, CLERK

FACTUAL BASIS

The defendant, **Nelia Angelina Mulembwe (Mulembwe)**, stipulates and agrees that the following facts are true and correct:

1. As charged in Count One of the Indictment, on or about June 28, 2017, in the Eastern District of Texas, **Mulembwe** possessed a passport containing a B1/B2 nonimmigrant visitor visa for temporary entry into the United States in the name of Victim 1, a Mozambique national.

2. At all times relevant to this offense, Victim 1 worked for Mulembwe as a nanny and housekeeper, both in the United States and in Mozambique.

3. On or about September 20, 2015, Mulembwe submitted an application to the United States Department of State for a B1/B2 tourist visa on Victim 1's behalf. The application represented that Victim 1 was coming to the United States as a tourist, that Victim 1 would be in the United States for 4 weeks, that Victim 1 would be staying at an address in Yukon, Oklahoma; and that Victim 1's primary occupation was "student."

4. In fact, and as Mulembwe then and there knew, Victim 1 traveled to the United States as Mulembwe's nanny and housekeeper. Victim 1 stayed with Mulembwe and Mulembwe's family at an address located in Collin County, Texas, within the

Eastern District of Texas. Victim 1 never returned to Mozambique. At the time the application was submitted, Victim 1 was Mulembwe's employee, and not a student.

5. On June 28, 2017, members of the Federal Bureau of Investigation and United States Department of Labor – Office of Inspector General located Victim 1 within the Eastern District of Texas, almost 21 months after Victim 1 entered the United States with Mulembwe.

6. On that date, agents located Victim 1's passport on the top shelf of the closet in Mulembwe's bedroom. Mulembwe told agents that Victim 1 was her employee, that Victim 1 did not have any money, and that Mulembwe did not pay Victim 1 directly for work, but rather, Mulembwe's mother gave Victim 1's family in Mozambique the approximate equivalent of \$70 each month.

7. While working in the United States, Victim 1 slept on an air mattress on the floor of the children's bedroom, did not have any days off from work, did not have set working hours, did not have control over Victim 1's immigration documents, did not have freedom to leave Mulembwe's residence, and was entirely dependent on Mulembwe for shelter, food, and personal items.

SIGNATURE AND ACKNOWLEDGMENT BY DEFENDANT
NELIA ANGELINA MULEMBWE

I have read this Factual Basis and have discussed it with my attorney. I fully understand the contents of this Factual Basis and agree without reservation that it accurately describes my acts.

Dated: 1/30/2018

Nelia Angelina Mulembwe
NELIA ANGELINA MULEMBWE
Defendant

SIGNATURE AND ACKNOWLEDGMENT BY ATTORNEY FOR DEFENDANT

I have read this Factual Basis and the Indictment and have reviewed them with my client. Based upon my discussions with my client, I am satisfied that my client fully understands the Factual Basis.

Dated: _____

1/30/2018



DONALD SCOTT MACKENZIE, ESQ.
Attorney for the defendant